

## SENATE JOINT RESOLUTION NO. 33

INTRODUCED BY D. WEINBERG

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON TYPES OF INTERESTS IN REAL PROPERTY THAT HAVE BEEN SEVERED FROM SUBSURFACE INTERESTS AND ON WHETHER IT IS FEASIBLE TO IDENTIFY ALL THE HOLDERS OF INTERESTS SEVERED FROM SURFACE INTERESTS.

WHEREAS, surface interests in real property have been severed from subsurface interests throughout Montana for decades; and

WHEREAS, severed interests may impede the marketability and development of both surface and subsurface interests in property; and

WHEREAS, identifying the owners of severed interests would benefit the citizens of Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) conduct a study identifying the various types of subsurface interests that have been severed from surface interests; and

(2) determine whether it is feasible to identify all the holders of interests severed from surface interests and, if so, recommend a method for collecting, storing, and disseminating this information.

BE IT FURTHER RESOLVED that the study's results, including proposed legislation and all funding options, including federal funds, be concluded prior to September 15, 2006, and be reported to the 60th Legislature.

- END -